

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 10, 2004.

Claims 1 through 8 are hereby cancelled without prejudice.

Through this response, Claims 9-18 are added.

Claim Rejections – 35 U.S.C. Section 112

Claims 2 and 8 have been rejected under 35 U.S.C. Section 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without addressing the merits of this objection, Claims 2 and 8 have been cancelled by this Response and Amendment without prejudice, waiver or disclaimer. Therefore, the rejection of those claims have been rendered moot.

Claim Rejections – 35 U.S.C. Section 102

Claims 1-3, 5, 7 and 8 have been rejected under 35 U.S.C. Section 102(e) as being anticipated by *Schneider*, (U.S. Pat. No. 6,626,598). Without addressing the merits of this objection, Claims 1-3, 5, 7 and 8 have been cancelled by this Response and Amendment without prejudice, waiver or disclaimer. Therefore, the rejection of those claims have been rendered moot.

NEWLY ADDED CLAIMS

As identified above, claims 9-18 have been added into the application through this Amendment.

Support for Newly Added Claims

Applicant respectfully asserts that the new claims add no new matter to the present application. Support for elements in the new claims can be found in the specification, drawings or original claims, as explained below.

Support for Claim 9 is found in the specifications: "a body" and a "tip on said body" (p. 10, lines 12-17) and "one or more arms" (p. 10, lines 12-17) "which reflexively assume a spread position when removed from a pen slot" (p. 10, lines 12-17) and "maintain a pinched position when stored in said pen slot." (p. 12, lines 1-5).

Support for Claim 10's "one or more phalanges" is found in specifications (Fig. 2a, Numeral 220 and accompanying text).

Support for Claim 11's "one or more grip pads joined to said arms" is found in the specification (p. 12, line 20 – p. 13, line 4) and Figure 3, Numeral 235.

Support for Claim 12's "one or more stabilizers to assist said arms in maintaining a spread position when the stylus is removed from the pen slot" is found in the specification (p. 7, lines 1-5) and Figure 3, Numeral 240.

Support for Claim 13's "a hinge to join each stabilizer to an arm and a mechanism for temporarily attaching the stabilizer to a second arm" is found in the specification (p. 13, lines 5-14) and Figure 3, Numeral 242.

Support for Claim 14's "wherein said tip is made of a pliable material so that the angle of said tip can be adjusted according to user preference" is found in the specification (p. 17, lines 15-25).

The specifications likewise support Claim 15's "end pieces joined to said arms" is also found in the specification (p. 12, Lines 4-10) and Figure 1, Numeral 225.

Support for Claim 16's "a hollow shaft connected by said arms to said tip, which is slidable" is found in the specification (p. 16, lines 5-14 and Figure 7a and 7b).

Claim 17's "pivot pin" is likewise supported by the specifications. (p. 18, lines line 10 – p.19, line 5 and Figures 11a and 11b).

Support for Claim 18's "a shaft with one or more recesses" and receding arms is likewise found in the specification. (p. 16, line 15 – p. 17, line 3).

Support for Claim 19's "a gripping area which is made of a pliant material which contracts when placed in a pen slot of a personal digital assistant and expands when removed from said pen slot" is likewise found in the specification. (p. 16, line 15 – p. 17, line 3 Figure 9, Numeral 210 and Figures 10a and 10b, Numeral 270).

New Claims are Patentable over the Prior Art

Applicant respectfully submits that the new claims above described an invention novel and unobvious in view of the prior art of record.

Applicant respectfully submits that the element is not disclosed, taught or suggested in *Schneider*, (U.S. Pat. No. 6,626,598), *Roche* (U.S. Pat. No. 6,637,962) or *Laybourne* (U.S. Pat. No. 4,127,338) or any of the other prior art cited by the Examiner.

Schneider discloses a band to wrap around a user's finger. (*Schneider*, col. 5, lines 5-25). Furthermore, the band is disposed perpendicular to the tip.

(*Schnieder*, figure 3). Both of these features prevent the stylus from being placed in a pen slot of a pen-based computer.

Roche's arms (see figures 1-3) are continuous and uninterrupted from the tip to the ends, thus no means whatsoever is given for the arms to assume a "pinched position," as claimed in the instant invention. Furthermore, none of *Roche's* stated objectives is to provide a device which can fit into the pen slot of a PDA, nor is such an objection suggested or implied. (*Roche*, Col. 1, lines 60-65). To the contrary, a stated objective of *Roche* is "to securely cradle the tips of the thumb and fingers for preventing slipping," by providing rigid arms. (*Roche*, Col. 1, Lines 60-65). Finally, between the arms of *Roche* is a "flared portion" (*Roche*, figures 2 and 5, numeral 15 and accompanying text) "to support the lower side of the base of the index finger." (*Roche*, col. 3, numeral 18-22). This "flared portion" is prevents the pinching of the arms into a closed position for storage in the pen slot of a pen-based computer. This is contrary to the present invention.

Wytttenbach's "branches" arms (see figure 1 and accompanying text) are continuous and uninterrupted from the tip to the ends, thus no means whatsoever is given for the arms to assume a "pinched position," as claimed in the instant invention.

Laybourne likewise has uninterrupted, rigid arms. *Laybourne* describes its invention as being made of "a synthetic resin having good strength and dimensional stability." (*Laybourne*, col. 4, lines 40-45). And resiliency to the "wings" (*Laybourne*, col. 6, lines 55-58). *Laybourne* further states that to achieve it's purpose, the inner surface of its "resilient" "wings" range from "1/2 and inch to one inch." (*Laybourne*, Col. 7, lines 1-4 and lines 8-20). Finally,


when *Laybourne* does mention storage, but discloses "storage" of the device on the user's finger, and certainly not storage in a pen slot of a pen-based computer.

Claims 9-19 are patentable over the prior art cited by the Examiner.

CONCLUSION

In conclusion, it is respectfully submitted that claims 9-19 embody a distinct advance in the art not rendered obvious or otherwise unpatentable by the cited art of record. Accordingly, an early Notice of Allowability would be appreciated and is respectfully solicited. Should the Examiner have any questions regarding this response, he is invited to telephone the Applicant at the telephone number listed below.

Respectfully submitted this 24th day of May, 2004.



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